Remarks

These remarks and the above amendments are responsive to the office Action dated December 2, 2003. This response was necessitated by the Examiner's continued reliance on the Cuomo reference, which applicants believed they effectively distinguished over in the last responsive document. Claims 1-17 are in this case. Claims 1, 15-17 are independent. Claims 1 and 16 have been amended to use lower case "a" in place of uppercase "A" at the beginning of each line and as discussed below, and the title has been amended to "A SYSTEM INDICATING THE PRESENCE OF AN INDIVIDUAL OR GROUP OF INDIVIDUALS".

Claim Rejections 35 USC § 102

The Examiner's detailed analysis is noted and gratefully received.

The Examiner's comments are considered in detail below, but initially differences between the disclosure of Cuomo and that of the present invention are summarized as explicitly recited in independent Claims 1, 15, 16 and 17.

Cuomo discloses a system in which information is provided to a target user about other users in an online environment (see abstract). The target user may indicate a group of other online users which are of interest (see Column 1, lines 59-62). The target user may also receive an indication of a total number of other users of the system (see, for example, column 1, lines 65-67 and column 3, lines 40-43). Cuomo refers to the total number of users as an "aggregate". This is distinct from the use of the term "aggregate" in the present invention, which uses that term to mean a group.

Cuomo discloses using groups as a convenient way of narrowing down the amount of information provided to the target user. Even when a user has been put into a group, Cuomo treats each member of that group as an individual. This is clear for example, from the disclosure at column 3, lines 51 to 56 and at column 4, lines 23 to 51. In all cases, the system described in Cuomo is only capable of dealing with users other than the target user, as separate individuals. There is no treatment of this group of individuals as a single homogenous group.

7

In contrast, the present invention is concerned with groups (or aggregates) which are treated by the presence management system effectively as a single entity. Thus, for example, in the present application on page 22 at line 8, it is noted that "Aggregates have an autonomous status from the 'point of view' of the presence management system..." and in the portion beginning on page 23 line 13 to page 24, line 4, it is explained that a "quorum" system for deciding when to notify the watching party of the status of the plurality of individuals forming the watched party may be used. Thus the present invention as explicitly recited in the independent Claims, treats parties which comprise a plurality of individuals "as a single indivisible entity".

Conceptually, this may be considered as a "group-within-a-group" structure. Thus, the present invention envisages a situation in which many users of the presence management system may exist but a plurality of those users can be grouped together to be treated as a single entity (this being a group within the larger group of all users of the system). Cuomo only considers the possibility of a single grouping (being the total number of users of the system) but does provide the option of limiting the number of users which are seen by a "target user". However, this "group" is still treated by the system of Cuomo as a group of individuals and the "target user" still receives separate notifications for each individual within that group. Thus the system of Cuomo is nothing more than an example of he "buddy list" idea disclosed in the prior art section of the present application, albeit with the addition of the option of showing the total number of users (the aggregate) present on the system.

The independent apparatus claims (claims 1, 15, and 16) have been amended to recite that the processor (in the case of the apparatus claims) is "further arranged to take account of any parties which comprise a plurality of individuals and to treat the plurality as a single indivisible entity". In the case of method claim 17, this claim has been amended to recite that "the event notification [is] made by taking account of any parties which comprise a plurality of individuals and to [treat] the plurality as a single indivisible entity".

These amendments further clarify the differences between the present invention as recited in the claims and the Cuomo prior art. It is noted that this distinction was argued in response to the previous Office Action (see page 8, the beginning of the penultimate paragraph) where it was stated that in the present invention "a plurality of individuals... are regarded by the presence management system as a single watching or watched party, [and] is termed an 'aggregate' for the purposes of the description...". Furthermore, on page 7 in the

last paragraph it was noted that Cuomo discloses a system which plays a sound when an individual in a selected group logs on or logs off and also that "Cuomo... discloses playing a tone to signify the continued logged on status of selected individuals...".

This issue was explicitly addressed by the Examiner in the present Office Action (but see below) and thus does not to raise new issues. Accordingly the Examiner is requested to enter this response.

Taking the Examiner's detailed points in turn:

In section 7a) the Examiner comments that Cuomo describes software code which may be run on a "single server or dispersed throughout the network". Applicant does not understand the relevance of those comments because the portion of Cuomo referred to by the Examiner merely discloses the possibility of distributing software from a server for use by "a developer". It does not explain where the software is run and indeed it is not clear what relevance that issue has to the former or presently amended claims.

In section 7b), the Examiner again gives the example of "Mary Zinger" who the Examiner alleges, may have additional household members also connected to the system of Cuomo. That Ms. Zinger may have had other household members connected to the system of Cuomo at the relevant date for the present application, is speculative at best. Nevertheless even if this were the case, as explained above, Cuomo would still treat each of those household members as individuals and not as a single indivisible entity as required by the present invention. This point is raised again in section 7c).

The Examiner continues by considering the term "Aggregates". As noted above, this term has two meanings namely; a "total number", or a "grouping". Cuomo uses the former meaning and the present application uses the latter meaning. Thus, although the words are the same, the meanings are different. This point is raised again in section 7e).

In section 7d), the Examiner addresses the question of "a system in which a plurality of individuals can be regarded by the presence management system as a single watching or watched party...". The Examiner refers to three lines of Cuomo (column 3, lines 32 to 35). This portion as noted by the Examiner, refers to a channel which signals the arrival and departure of a selected set of users. However, it is clear from the subsequent description that this channel **200** signals the arrival and departure of that selected set of users on an

9

individual basis. The Examiner's particular reference is directed to Figure 4 and the associated description at column 4, lines 23-51. For example, decision block **400** determines whether or not a new user has entered the online environment. It states: "If the answer to decision block **400** is yes, then at decision block **401**, it is determined whether or not the new other user is included in the Selected User List (component **301** of Figure 3) and, if so, whether or not a designated audio signal... has been assigned. If the answer to decision block **401** is yes, then at block **402**, the designated audio is played, and control returns to decision block **400**. If the answer to decision block **401** is no, control returns to decision block **400**." Thus the audio designation or other indication to the "target user" is made on an individual basis as each individual user in the Selected User List enters or leaves the system.

Accordingly, the Examiner's rejection under 35 USC section 102 is respectfully traversed for at least the reasons given above. Similarly, the dependent Claims are submitted not to be anticipated by Cuomo at least by virtue of their dependencies.

Claim Rejections 35 USC § 103

The Examiner's comments are not fully understood since the Examiner appears to suggest that Cuomo teaches lumping "a set of users of a special interest into a group because a user would then become aware when any one of the uses in the group became available...".

This appears to contradict the Examiner's comments in connection with anticipation under §102(e) at section 7d) in which the Examiner appears to be suggesting that Cuomo instead teaches "a system in which a plurality of individuals can be regarded by the presence management system as a single watching or watched party...".

In fact, Cuomo teaches something similar to the first of these options but not the second; which is taught and claimed by the present application.

The rejection under section 103 is therefore respectfully traversed.

No new matter has been added.

This response attends to each point noted by the Examiner. The claims are proper and allowance is respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicant's Attorney to expedite further processing of the application to allowance.

Respectfully submitted,

Date: March 2, 2004

Richard M. Lehrer
Reg. No.: 38,536
MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO PC
Chrysler Center
666 Third Avenue, 24th Floor
New York, New York 10017
(Tel): 212-935-3000
(Fax): 212-983-3115

11